

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Bernardette McBride

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

N/A

1 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
2 the time of implant:

3 Massachusetts

4 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
5 the time of injury:

6 Massachusetts

7 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

8 Massachusetts

9 7. District Court and Division in which venue would be proper absent direct filing:

10 Massachusetts District Court

11 8. Defendants (check Defendants against whom Complaint is made):

12 ☒ C.R. Bard Inc.

13 ☒ Bard Peripheral Vascular, Inc.

14 9. Basis of Jurisdiction:

15 ☒ Diversity of Citizenship

16 ☐ Other: _____

17 a. Other allegations of jurisdiction and venue not expressed in Master
18 Complaint:

19 _____
20 _____
21 _____

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☒ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

October 16, 2009

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Massachusetts Law Prohibiting
Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☒ Other(s): All claims for Relief set forth in the Master Complaint for
an amount to be determined by the trier of fact including for the
following: (please state the facts supporting this Count in the space
immediately below)
- On October 16, 2009, Ms. McBride had a Bard G2 filter installed into
her inferior vena cava. As a result, Ms. McBride has suffered damages
in an amount to be proven at trial.

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

1 RESPECTFULLY SUBMITTED this 5th day of May, 2016.

2 **GALLAGHER & KENNEDY, P.A.**

3 By: /s/ Robert W. Boatman
4 Robert W. Boatman
5 Mark S. O'Connor
6 Paul L. Stoller
7 Shannon L. Clark
8 C. Lincoln Combs
9 2575 East Camelback Road
10 Phoenix, Arizona 85016-9225

11 *Attorneys for Plaintiffs*

12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on this 5th day of May, 2016, I electronically transmitted the
14 attached document to the Clerk's Office using the CM/ECF System for filing and transmittal
15 of a Notice of Electronic Filing.
16

17 /s/Deborah Yanazzo
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